

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BEVERLY EDWARDS, LIKASHMI	:
DEOSARAN, RASHIDA WRIGHT, KERON	:
SEALEY, JAMES STEWART, SHAUNEY	:
DUNKLEY and MICHAEL SAMUELS, on	:
behalf of themselves and all others similarly	:
situated,	:
	:
Plaintiffs,	:
	:
-against-	:
	:
PUBLISHERS CIRCULATION FULFILLMENT,:	:
INC., also known as PCF, Inc.,	:
	:
Defendant.	:
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09 Civ. 4968 (LAK) (HBP)

ECF CASE

DEFENDANT’S PROPOSED
VOIR DIRE

Defendant Publishers Circulation Fulfillment, Inc. (“PCF”), propose the following questions be used by the Court during the *voir dire* examination of prospective jurors prior to trial pursuant to Rule 47(a) of the Federal Rules of Civil Procedure. The Court is requested to pursue more detailed questioning if a particular juror’s answer reveals that further inquiry is appropriate and, in such instances, to include an inquiry as to whether the particular fact or circumstance would affect the juror’s ability to render a fair and impartial verdict, or influence the juror in favor of or against either the Plaintiffs or the Defendant.

Knowledge of the Parties and Counsel

1. Do you or, to your knowledge, does any member of your immediate family, know named Plaintiffs Beverly Edwards, Likashmi Deosaran, Michael Samuels, James Stewart, Keron Sealey and Rashida Wright (or Maria Bayne)? If yes, what is the nature of your relationship or association? Would any such relationship or association prevent you from rendering a fair and impartial verdict?
2. Have you, or has any member of your family, ever been employed by or worked as an independent contractor for Defendant Publishers Circulation Fulfillment, Inc.? If yes, when? For how long? What is/was the position occupied by you or your family member? Were you or one of your family members compensated at or above the minimum hourly wage for all hours worked? Did you or one of your

family members ever have any monies improperly deducted from your/their wages? Were you or one of your family members ever required by Publishers Circulation Fulfillment, Inc. to make a payment [to Publishers Circulation Fulfillment, Inc./or a third party] by a separate transaction?

3. Are you, or is any member of your family, presently doing business with Defendant Publishers Circulation Fulfillment, Inc.? Do you, or does any member of your family, have any relationship with Publishers Circulation Fulfillment, Inc.? Have you or any members of your family done business or had any relationship with Publishers Circulation Fulfillment, Inc. in the past? If yes, what is the nature of your relationship or interest? Would any such relationship or interest prevent you from rendering a fair and impartial verdict?

Personal Background/Employment

4. Have you or any member of your immediate family ever brought a misclassification and/or wage and hour or any other employment claim against an employer?
5. Are you or any member of your immediate family currently an independent contractor? Where?
6. Have you or any member of your immediate family ever been an independent contractor?
 - a. Where?
 - b. When?
 - c. Why did you stop?
7. State your present occupation and identify your employer. If retired or unemployed, describe your last job.
8. Have you or any member of your immediate family ever been terminated or laid off by an employer? Who? When? Under what circumstances?
9. Have you ever owned your own business or been self-employed? What was/is the nature of your self-employment?
10. Have you ever been in a position where you determined whether or not to classify an individual as an independent contractor or employee?
11. Have you or anyone in your immediate family ever been employed by a newspaper company or newspaper distribution company? Who? Where? When? Why did you or they leave?

Questions Regarding Issues in this Case

12. Have you, your spouse, any member of your family or a close personal friend ever been involved in any situation where you were paid below the minimum wage required by the law?
 - a. In what setting did the occur?
 - b. What were the circumstances?
 - c. Was a charge or lawsuit ever filed in state or federal court? If yes, what was the outcome?
 - d. How was the matter resolved?
13. Have you, or has any member of your family or any close personal friend, worked for or had contact with the New York State or United States Department of Labor or any other administrative or government agency charged with enforcing labor laws? If yes, please describe.
14. Have you ever worked for an employer that you know who has been sued for alleged violations of New York or federal wage/hour laws? If so,
 - a. What was the outcome?
 - b. Do you believe the outcome was fair?
 - c. Did you believe your employer was treated fairly?
 - d. Were you at all involved in either your employer's defense of the lawsuit or the employee's claim? If so, how?
15. Do you have particularly strong feelings about wage/hour claims or individuals who make them?

Personal Biases

16. Do you believe that workers are generally misclassified as independent contractors when they are actually employees?
17. Do you have any personal feelings against newspaper companies or newspaper distribution companies? Can you be fair and impartial to a newspaper company or newspaper distribution companies?

Participation in the Legal System

18. Have you, or has any member of your family or close friends, ever been a Plaintiff or Defendant in a state or federal court case, whether criminal or civil? If yes:

- a. What kind of case?
 - b. Was there anything about that experience that would prevent you from acting as a fair and impartial juror in this case?
19. Have you ever been a witness in any lawsuit or other proceeding? If yes, explain. How, if at all, would that affect your ability to serve as a juror?
20. Have you ever been arrested or accused of committing a crime? If yes:
- a. For what crime were you accused or arrested?
 - b. What was the disposition of that accusation?
 - c. Has the fact that your were involved in the judicial system affected the way you regard the courts, lawyers or parties to the lawsuit?

Dated: New York, New York
February 16, 2010

Respectfully submitted,

PROSKAUER ROSE LLP

By: /s/ Joshua F. Alloy

Gregory I. Rasin
Joshua F. Alloy
1585 Broadway
New York, NY 10036-8299
Tel: (212) 969-3000
Fax: (212) 969-2900
grasin@proskauer.com
jalloy@proskauer.com

Mark W. Batten (admitted pro hac vice)
One International Place
Boston, MA 02110
Tel: (617) 526-9850
Fax: (617) 526-9899
mbatten@proskauer.com